

Thank you for your service to our state and thank you for listening to my remarks. They come from a currently Professionally Certified Michigan teacher and attorney admitted to practice before the State Bar of Michigan and the federal district court for the Eastern District of Michigan.

My remarks are made against this background:

- a. P.A. 4 was repealed on November 6, 2012.
- b. Governor Snyder has informed the DPS current EFM Roy Roberts that there is a 30 day results certification process and I am unclear on Michigan courts' holdings defining the parameters of proper actions of appointed officials when the law providing for their appointment has been repealed.
- c. Attorney General Schuette has opined that P.A. 72 is valid; though this remains untested in Michigan courts.
- d. I anticipate a legislative response to P.A. 4's repeal within the next week and I am confident that this response will impact the EAA.
- e. Finally, my remarks reflect only my opinion and do not constitute legal advice for any client or potential client in this matter. To that end, no legal citations are included in the following text.

1. There is a connection between both P.A. 72/ P.A. 4 and Michigan's legislation providing for certain measures to identify and restructure failing schools and its sole amendment -- P.A. 204 of 2009 and P.A. 8 of 2011, respectively. Since these failing schools comprise the statewide public school district known as the EAA, testimony on these sections of Michigan education law are relevant to this Standing Committee hearing.
2. P.A. 204 of 2009 provides for certain measures to identify and restructure Michigan's failing schools and was relied upon to place these schools into the EAA.
3. This legislation was amended once by P.A. 8 of 2011 (SB 157) providing "...if a school that is included on the list identifying the public schools in this state that the MDE has determined to be among the lowest achieving 5% (as defined by ARRA) is operated by a school district in which an emergency manager is in place; then the superintendent of public instruction shall not issue an order placing the school under the supervision of the state school reform/redesign officer.
4. In other words, this amendment provides that an EM, not the state school reform/redesign officer, supervises these schools.
5. Now that the law defining Ems (P.A. 4) has been repealed; there are no more EMs.
6. Additionally, Wayne County Circuit Court Judge John A. Murphy held on August 14, 2012 that Roy Roberts was an EFM, not an EM, until Proposal 1 could be voted on in the November 6, 2012 election.
7. Following state law, Michigan public schools that are also in the Detroit Public Schools school district should now be under the supervision of the state school reform/redesign officer since there is no longer an EM over the DPS.
8. Placing these schools under the supervision of the state school reform/redesign officer would shred the veil of secrecy surrounding the EAA and its current composition of solely DPS schools. Using either the MDE's TTB (Top to Bottom) list or list of PLA (Persistently Lowest Achieving) schools, it seems highly unlikely that only DPS schools have earned placement in the EAA.

Respectfully submitted by Tracy Peters to the Senate Education Standing Committee this November 8, 2012.